

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SETH BRUNNER,
Plaintiff,

v.

AVALON BAY COMMUNITES INC.,
Defendant.

Case No. 21-cv-03992-SK

**ORDER GRANTING STIPULATION
TO REMAND**

Regarding Docket No. 30

STIPULATION

IT IS HEREBY STIPULATED, BY AND BETWEEN THE PARTIES TO THE ABOVE-ENTITLED ACTION, through their counsel of record, that good cause exists to remand this case back to state court, Superior Court of California, County of Santa Clara Case with reference to case number 3:21-cv-03992 SK.

WHEREAS Plaintiff, SETH BRUNNER is a citizen of California, and the added defendant, DOE 2, DEVCON CONSTRUCTION INCORPORATED, is a citizen of California, the filing of the Plaintiff's First Amended Complaint affects the Court's diversity jurisdiction under 28 U.S.C. 1332.

Plaintiff SETH BRUNNER and Defendant AVALONBAY COMMUNITIES, INC. therefore propose the following order:

1. To remand the action to state court on the ground that the court lacks jurisdiction because the added defendant (DOE 2) in the Second Amended Complaint, DEVCON CONSTRUCTION INCORPORATED, maintains its principal place of business in California and thereby destroys the complete diversity of citizenship among the parties.

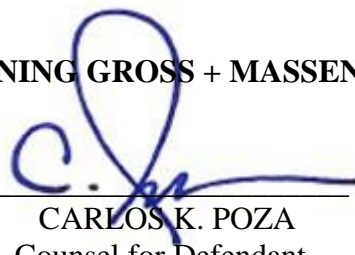
1 DATED: July 28, 2022

SHEA & SHEA

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3 By: 
4 MICHAEL M. SHEA JR.
Attorney for Plaintiff

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6 DATED: July 19, 2022

MANNING GROSS + MASSENBURG LLP

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8 By: 
9 CARLOS K. POZA
Counsel for Defendant
10 AVALONBAY COMMUNITIES, INC.

11 **ORDER**

12 Good cause appearing, the Court HEREBY GRANTS the stipulation of the parties to
13 remand the action to state court on the ground that the court lacks jurisdiction because the added
14 defendant (DOE 2) in the Second Amended Complaint, DEVCON CONSTRUCTION
15 INCORPORATED, maintains its principal place of business in California and thereby destroys the
16 complete diversity of citizenship among the parties. The Court ORDERS that the case be
17 REMANDED. The Clerk of Court is directed to transfer the case and close the file.

18 **IT IS SO ORDERED.**

19 Dated: July 28, 2022

20 
21 SALLIE KIM
22 United States Magistrate Judge

United States District Court
Northern District of California